IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP NO.1117 OF 2001.
RESERVED ON: 28.3.2007.
DECIDED ON: 10.4.2007.

Om Parkash Jaryal and others ….Petitioners.

Versus

Chairman-cum-Managing Director, BSNL & others …Respondents.

Coram

The Hon'ble Mr. Justice Dev Darshan Sud, J.

Whether approved for reporting?

For the petitioners	**Mr.Rahul Mahajan, Advocate.**
For respondents 1 to 3	**Mr.Ratish Sharma, Advocate.**
For respondents 4 to 121	**Mr.Vikram Thakur, vice Mr. Shrawan Dogra, Advocate.**

Dev Darshan Sud, J.

The present writ petition has been filed by the petitioners with a prayer that the respondents be directed to conduct the qualifying screening test for the post of Junior Telecom Officers. A prayer has also been made to quash the orders passed by the respondents by which certain posts were increased in various telecom circles. The petitioners seek quashing of Annexures PK and PL, dated 4.10.2001 and 10.10.2001 respectively vide which results of certain candidates who had appeared for the interviews of Junior Telecom Officer were declared.

Whether Reporters of the Local Papers may be allowed to see the Judgment?

When this writ petition was taken up for hearing, the record of the screening test was summoned from the respondents and it was found that the petitioners had appeared in the qualifying test of Junior Telecom Officers. All the petitioners except petitioners 3, 4 and 5 appeared in the test and did not qualify. Petitioner No.23 had applied for permission to appear which was granted and the necessary admission card issued, but he did not appear in the test. Petitioner No. 12 was found to be ineligible.

Learned counsel appearing for the petitioners had submitted that he had already appended the result along with the writ petition. However, on going through the pleadings, I find that the averment that they had appeared for the test and did not qualify has not been made. Irrespective of the number of vacancies which may exist, since the petitioners did not pass the qualifying test, the question as to whether the posts to different telecom circles could be increased by diverting them from one circle to the other, becomes academic. Coupled with the fact that the petitioners have failed to qualify the screening test, no question regarding the legality of selection requires to be determined in this writ petition. The petitioners having participated in the selection process cannot be allowed to turn around and question its legality. The writ petition is, therefore, without merit, dismissed. There shall be no order as to costs.

April 10, 2007. **(Dev Darshan Sud)**
PC. **Judge.**